

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

IN THE MATTER OF THE INDIANA )  
UTILITY REGULATORY COMMISSION'S )  
INVESTIGATION OF MATTERS )  
RELATED TO COMPETITION IN THE )  
TELECOMMUNICATIONS INDUSTRY IN )  
THE STATE OF INDIANA PURSUANT TO )  
IND. CODE 8-1-2 *et seq.*

CAUSE NO. 42530

**FILED**

OCT 19 2004

APPROVED:

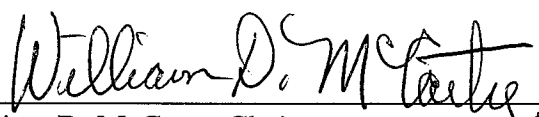
INDIANA UTILITY  
REGULATORY COMMISSION

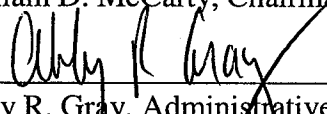
You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

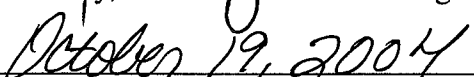
On October 29, 2003 the Commission issued an order initiating this Cause and outlining the general topics for this proceeding. On January 24, 2004, in furtherance of the objectives identified in the October 29, 2003 order, a docket entry was issued preliminarily identifying a number of issues. Parties filed comments on the preliminary issues list and the Commission has determined the appropriate issues to be addressed in this investigation. The list of issues is attached hereto. The parties will be filing testimony addressing these issues.

The presiding officers now find that a prehearing conference and preliminary hearing should be conducted for purposes of setting an appropriate procedural schedule on November 17, 2004 at 1:30 p.m. in room E-306, Indiana Government Center South, Indianapolis, Indiana.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
William D. McCarty, Chairman

  
\_\_\_\_\_  
Abby R. Gray, Administrative Law Judge

Date:   
\_\_\_\_\_  
October 19, 2004

## ISSUES LIST

### 1. CSOs

- A. How should Customer Specific Offering (CSO) be defined? (What are they? Who can offer them? To whom can they be offered?)
- B. Should there be any differentiation between CSOs, Individual Customer Arrangements (ICAs), and Individual Case Basis (ICBs)? If yes, how should ICA and ICB be defined?
- C. Should CSO Guidelines developed in Cause No. 38561 be updated or modified? If so, in what way?
- D. What types of providers must follow these Guidelines?
- E. What types of services must adhere to these guidelines? (e.g. regulated, unregulated, interstate, intrastate)
- F. What should be the mandatory pricing requirements?
- G. Should there be limits on the length of the contract? If so, why and how long?
- H. Should renewals of CSO contracts require review by the Commission?
- I. Should the Commission set guidelines that govern the terms and conditions of CSOs?
- J. Should vouchers or bonuses be allowed to be offered to select customers if they are not offered to an entire customer class?
- K. If vouchers and bonuses are allowed how should they figure in to the pricing requirements?
- L. What are the appropriate filing requirements?
  - a. How should the CSO be filed?
  - b. What should be included in the CSO filing? (e.g. cost support)
  - c. If cost support is to be provided, what type of cost data should be used in the cost study and what products and services should be included?
  - d. When an ILEC has UNE rates based on TELRIC, should the Commission dictate to these ILECs that their TSLRIC studies must use the same general inputs (e.g., cost of capital, depreciation, and fill factors)?
  - e. How does that compare to what is currently being provided in CSO filings?
  - f. Should a verification certifying that the contract meets all state regulatory requirements be required?
- M. What level of review of CSOs should be performed by the Commission?
- N. How should compliance with pricing requirements and other requirements be verified?
- O. Who verifies the compliance? (e.g. IURC staff, 3<sup>rd</sup> party, CLECs)
- P. Should all or part of a CSO be deemed confidential? If so, which information should be given confidential treatment?
- Q. How should confidentiality of the CSO and its related cost studies be handled?
- R. How should parties ensure compliance if the cost study is confidential?
- S. Should there be remedies associated with non-compliance with these guidelines? If so, what types of remedies do you recommend?
- T. Should CSOs be a part of a company's tariff?
- U. Should we revisit the issues of how and by whom E-911 is provided?

### 2. Promotions including winbacks

- A. How should promotion be defined?

- B. How should winbacks be defined?
- C. To which types of providers should these guidelines apply? If they apply to all companies, should certain companies have different guidelines than other companies?
- D. What can be included in a promotion or a winback offer? Should the Commission set any limits on the offering?
- E. What level of review of promotions should be performed by the Commission?
- F. Should marketing materials for promotions and winback offers be reviewed?
- G. Should billing disclosures for promotional discounts be required?
- H. Should there be remedies associated with non-compliance with these guidelines? If so, what types of remedies do you recommend?
- I. How will discriminatory behavior be detected and prevented?
  - 1. Should offers be allowed to be made only to customers who transferred to CLECs?
  - 2. Should offers be made available to all like-customers?
- J. Should companies be allowed to make promotional pricing for a service contingent upon a customer's subscription to another service?
- K. What pricing flexibility or discounts should be allowed in winbacks and other promotional offers?
- L. Should vouchers or bonuses be allowed to be offered to select customers if they are not offered to an entire customer class?
- M. If vouchers and bonuses are allowed, how should they be considered in determining compliance with the pricing requirements?
- N. What is the appropriate waiting period?
  - 1. Should there be a waiting period?
  - 2. How long should it be? (e.g. at least one billing cycle)
  - 3. Should the timeliness of transfer from one carrier to another be considered?
- O. Should there be guidelines for porting customers from one carrier to another?
  - 1. Should there be a time limit?
  - 2. If so, what is a reasonable time limit? Please provide details as to why it is reasonable. Describe what types of processes must be accomplished and the length of time they take. Provide a chart if appropriate.
  - 3. What other guidelines should be set?
- P. Should lock-in mechanisms be allowed? If so, should there be limits on the length?
- Q. Should these types of offers be included in price floor calculations?
- R. Should winback offers and promotions be tariffed?
  - 1. Where should these offers reside in the tariffs?
  - 2. How should they be presented?
  - 3. What filing process should be required?
- S. Should termination penalties be allowed?
- T. For what time period should promotions be allowed to be offered?

### **3. Bundles and Packages**

- A. How should bundles and packages be defined?
- B. What types of services can be included in bundles and packages?
- C. What are the appropriate pricing guidelines?
- D. How should the price floor of a bundle or package be determined?
- E. Should promotions be allowed to be included in bundles and packages?

- F. What level of Commission approval should be required for bundles and packages?
  - 1. 30 day filing?
  - 2. Other expedited proceeding?
- G. How should bundles and packages be tariffed? Should unregulated or de-tariffed items that are part of a bundle or package be included in the tariff?
- H. Should bundles and packages be available for resale?
- I. How should the IURC regulate service offerings that combine regulated and unregulated services into a single bundle through joint ventures between regulated telecom service providers and unregulated businesses?